



US Army Corps  
of Engineers  
Memphis District

# Public Notice

**REPLY TO ATTN:** Josh Bright  
U.S. Army Corps of Engineers  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894  
Telephone: (901) 544-0926  
Fax: (901) 544-0211  
EMail: [joshua.k.bright@usace.army.mil](mailto:joshua.k.bright@usace.army.mil)  
**POSTMASTER PLEASE POST UNTIL:** July 23, 2009

**PUBLIC NOTICE NO:**  
MVM-2009-264-JKB

**PUBLIC NOTICE DATE:**  
June 26, 2009

**EXPIRATION DATE:**  
July 27, 2009

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**Joint Public Notice**  
**Corps of Engineers**  
**and**  
**State of Arkansas**

**AUTHORITY:** Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

**APPLICANT:** Mike Booker  
2723 Bethlehem Road  
Clarendon, Arkansas 72029  
501-454-6333

**LOCATION:** The project is located in Section 15, Township 1N, Range 2W, in Monroe County, Arkansas, at approximate latitude 34.7050 and longitude -91.2073 on the Park Grove 7.5 minute quadrangle map (Attachment 1).

**PURPOSE:** The purpose of this project is to cleanout the existing ditch to make it deeper and construct two levees for a tailwater recovery system.

**DESCRIPTION OF WORK:** Construct a levee on each side of the existing ditch with excavated material to make a tailwater recovery system. The levees on each side of the ditch will have a 25-foot base (Attachment 3). Pipes will be installed in the levees to allow the farmed wetlands that are not being impacted directly to remain farmed wetlands. The pipes will allow water to flow freely from the time the crop is harvested until March 15<sup>th</sup> of each year. The new levees will be constructed in farmed wetlands and the direct impact will be 3.6 acres. The applicant has agreed to mitigate by planting 3.6 acres of bottomland hardwood seedlings (Attachment 2).

**WATER QUALITY CERTIFICATION:** By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

**ENDANGERED SPECIES:** No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.



Mike Booker  
MVM-2009- 264

**CULTURAL RESOURCES:** The Memphis District will evaluate information provided by the State Historic Preservation Officer, Federally-recognized Tribes, and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area.

**FLOOD PLAIN:** In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

**PUBLIC INTEREST REVIEW:** The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

**COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION:** Send comments to the Corps of Engineers, Memphis District and Arkansas Department of Environmental Quality. Comments may be sent via mail or e-mail to the following: Josh Bright at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894; e-mail: [joshua.k.bright@usace.army.mil](mailto:joshua.k.bright@usace.army.mil); and Bob Singleton, State Permits Branch, Water Division, Arkansas Department of Environmental Quality, 8001 National Drive, Little Rock, Arkansas 72219-8913; e-mail: [singleton@adeq.state.ar.us](mailto:singleton@adeq.state.ar.us).

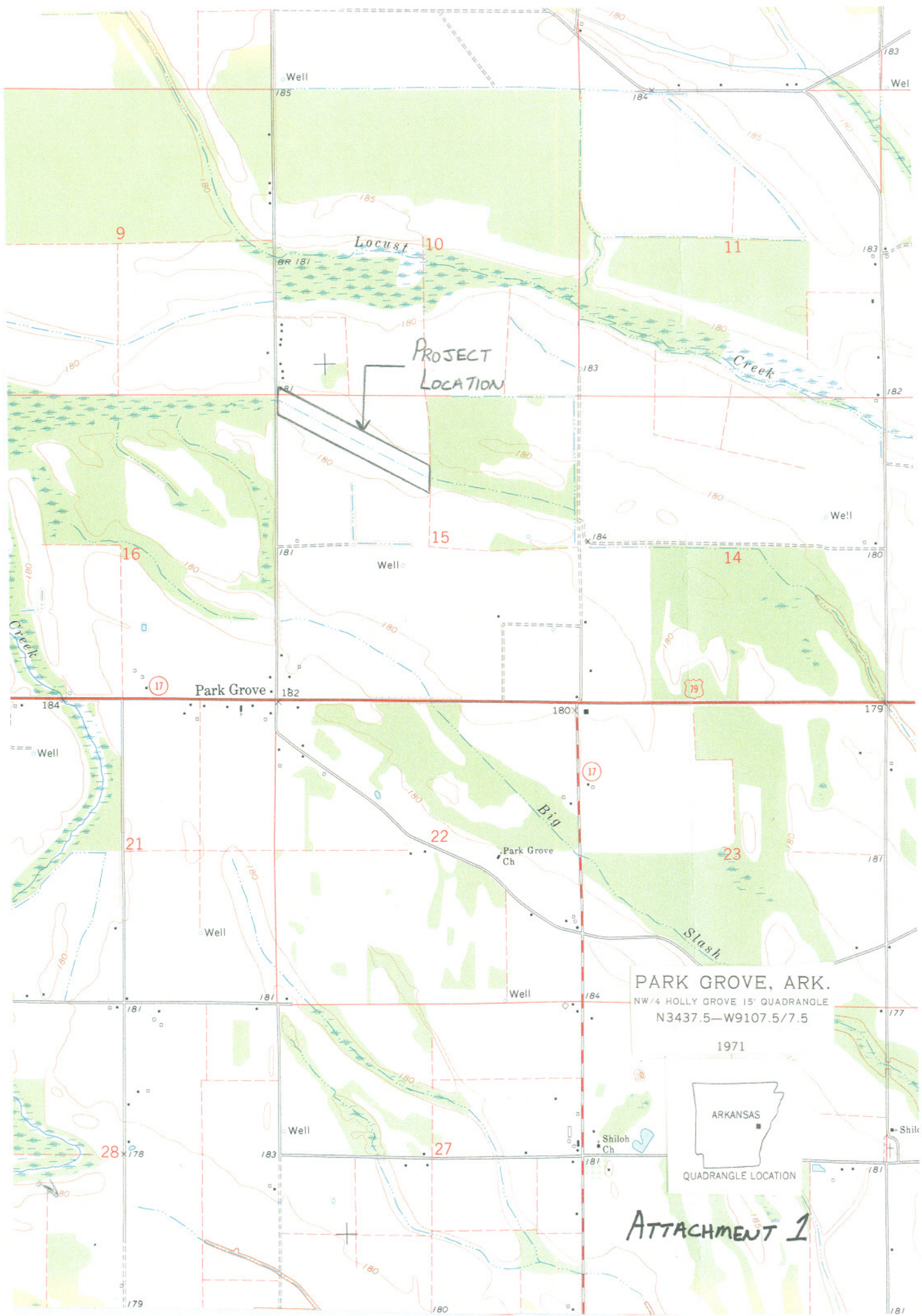
Copies of all comments, including the names and address of commenters, may be provided to the applicant for consideration and response prior to a decision by the Corps. Comments should be received by July 27, 2009.



Larry D. Watson  
Chief  
Regulatory Branch

Attachments





PARK GROVE, ARK.  
NW/4 HOLLY GROVE 15' QUADRANGLE  
N3437.5—W9107.5/7.5

1971



QUADRANGLE LOCATION

ATTACHMENT 1



# WETLAND MITIGATION MAP

Date: 5/19/2009

Customer(s): MICHAEL BOOKER

District: CLARENDON SOIL & WATER CONSERVATION DISTRICT

Approximate Acres: 26.3

Legal Description: T2N,R2W,SEC 15 & 10  
PARK GROVE QUD

Field Office: CLARENDON SERVICE CENTER

Agency: Natural Resources Conservation Ser.

Assisted By: Hunt, Larry

State and County: AR, MONROE



## Legend

### Practices (points)

- <all other values>

### Practice name

- <Null>

Structure for Water Control

### Practice name

Irrigation System, Tailwater Recovery

Consp1

roads100k\_l\_ar095

ATTACHMENT 2



350 0 350 700 1,050 1,400 Feet





# Spoil And Excavation Worksheet

Landowner:

Michael Booker

Date:

5/6/2009

Office:

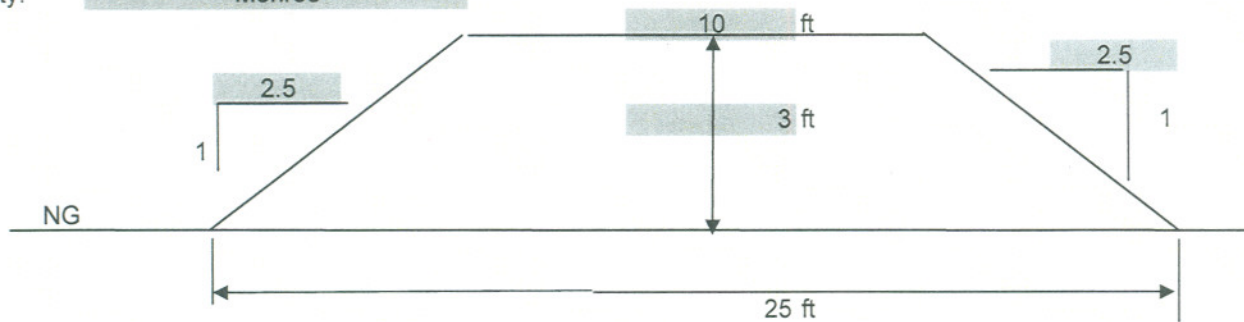
Clarendon

Prepared by:

Mike Smith, Area Resource Engineer

County:

Monroe



Total Length of spoil = 3120

Estimated excavation:

12240 cy

Area of spoil in acres: 1.8 acres

Spread spoil on 2 sides

Total acres impacted by spoil = 3.6 acres

Cy fill = 1.9 cy/ft

Total cy fill= 13346.7

ATTACHMENT 3